

**FILED**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

JUN 08 2007

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|---|--|---|--|
| <b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself) <input checked="" type="checkbox"/><br>David Davis & Page Gearhart-Davis<br>In PRO SE        |  | <b>DEFENDANTS</b><br>Clearlake Police Department  |  |
| <b>(b) County of Residence of First Listed Plaintiff</b> (Except in U.S. Plaintiff Cases):<br>In PRO SE   |  | <b>County of Residence of First Listed Defendant</b> (In U.S. Plaintiff Cases Only):<br>In PRO SE |  |
| <b>(c) Attorneys</b> (Firm Name, Address and Telephone Number, If you are representing yourself, provide same.)<br>David Davis & Page Gearhart-Davis<br>In PRO SE |  | <b>Attorneys</b> (If Known)<br>2:07-CV-1098 LKK KJM PS  |  |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)<br><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)<br><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |  | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b><br>(Place an X in one box for plaintiff and one for defendant.)  |  |  |  |
|  |  | Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1<br>Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2<br>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 | PTF DEF<br><input type="checkbox"/> 1 <input type="checkbox"/> 1<br><input type="checkbox"/> 2 <input type="checkbox"/> 2<br><input type="checkbox"/> 3 <input type="checkbox"/> 3 | Incorporated or Principal Place of Business in this State<br>Incorporated and Principal Place of Business in Another State<br>Foreign Nation | PTF DEF<br><input type="checkbox"/> 4 <input type="checkbox"/> 4<br><input type="checkbox"/> 5 <input type="checkbox"/> 5<br><input type="checkbox"/> 6 <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☐ No

**MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violation of Civil Rights - 18 U.S.C. § 241 & 242, 42 U.S.C. § 14141, 1983 & 1985

**VII. NATURE OF SUIT** (Place an X in one box only.)

|   |  |  |   |   |  |
|---|--|--|---|---|--|
| <b>OTHER STATUTES</b><br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities /Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 891 Agricultural Act<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Info. Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes<br><input type="checkbox"/> 890 Other Statutory Actions | <b>CONTRACT</b><br><input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise<br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property | <b>TORTS</b><br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Fed. Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury-Med Malpractice<br><input type="checkbox"/> 365 Personal Injury-Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <b>TORTS</b><br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability<br><input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 American with Disabilities - Employment<br><input type="checkbox"/> 446 American with Disabilities - Other<br><input checked="" type="checkbox"/> 440 Other Civil Rights | <b>PERSONAL</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus/Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs<br><input type="checkbox"/> 660 Occupational Safety /Health<br><input type="checkbox"/> 690 Other | <b>PERSONAL</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DFWC/DJWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|---|--|--|---|---|--|

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**FILED**

**JUN 08 2007**

**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BY                      DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF CALIFORNIA

David Davis & Page Gearhart-Davis

PRO SE,

Plaintiff,

vs.

Clearlake Police Department,

Defendant(s)

Case No.:

**COMPLAINT**

**2:07-CV-1098 LKK KJM PS**

Plaintiff David Davis & Page Gearhart- Davis for its Complaint alleges as follows:

JURISDICTION

The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this action arises under the United States Constitution.

ALLEGATIONS

1. Violation of Civil Rights under the Conspiracy Against Rights of Citizens, 18 U.S.C. § 241.
2. Violation of Civil Rights under the Deprivation of Rights Under Color of Law, 18 U.S.C. § 242.
3. Violation of Civil Rights under the Law Enforcement Misconduct Statute, 42 U.S.C. § 14141.

1 4. Violation of Civil Rights under the Civil Action For Deprivation of  
2 Rights, 42 U.S.C. § 1983.

3 5. Violation of Civil Rights under the Conspiracies to Interfere With Civil  
4 Rights, 42 U.S.C. § 1985.

5 6. Violation of the United States Constitution, Forth Amendment.

6 7. Violation of the United States Constitution, Fourteenth Amendment.

7 8. Use of Excessive Force, False Detainment, Forged Documents

8 Clearlake Police Department officers used excessive force when falsely  
9 detaining David Davis in violation of the Forth and Fourteenth Amendments to  
10 the United States Constitution. Clearlake Police Department Officers have  
11 used racial epithets or racially insensitive language directed against David  
12 Davis & Page Gearhart-Davis. Complaints filed against the Clearlake Police  
13 Department by David Davis and Page Gearhart-Davis have resulted in no  
14 discipline being imposed against any Clearlake Police Officer.

15 9. Failure to Investigate Complaints Properly

16 The Clearlake Police Department gives greater weight to the statements of its  
17 police officers, while discounting statements of witnesses for the complaint;  
18 does not fully collect all evidence during its investigations; and does not  
19 consider an officer's prior complaint history in its investigation.

20 10. Failure to Supervise Officers Adequately

21 The Clearlake Police Department does not monitor complaints filed against its  
22 officers as a means of detecting problems before they occur. Clearlake  
23 Police Officers with complaint histories can and have been promoted.

24 RELIEF

25 (A) Compensation for punitive damages due to; but not limited to,  
26 harassment, stress, and humiliation.

1 (B) Grant such other and additional relief as this Court may deem just and  
2 proper.

3 Trial By Jury

4 Plaintiff, David Davis & Page Gearhart-Davis, request a jury trial pursuant  
5 to Rule 38, Section B of The Federal Rules of Civil Procedure.

6 Dated: 6-8-07

Respectfully Submitted,

*Page Gearhart-Davis*

David Davis &  
Page Gearhart-Davis